

<b>Applicant</b>	William Vaccaro (Michael Rares, agent)	
<b>Request</b>	a.) Vacate a portion of NE 15 <sup>th</sup> Avenue lying west of and adjacent to Parcel "A", "Raybohr Plat", P.B. 93, P 44. b.) Vacate a portion of NE 8 <sup>th</sup> Street lying at the intersection of the southeast corner of NE 8 <sup>th</sup> Street and NE 15 <sup>th</sup> Avenue and including a portion of NE 8 <sup>th</sup> Street adjacent to Parcel "A", "Raybohr Plat", P.B. 93, P.44	
<b>Location</b>	a.) east side of NE 15 <sup>th</sup> Avenue immediately south of NE 8 <sup>th</sup> Street b.) south side of NE 8 <sup>th</sup> Street immediately east of NE 15 <sup>th</sup> Avenue. Both rights-of-ways lying adjacent to the property at 1500-1504 NE 8 <sup>th</sup> Street)	
<b>Property Size</b>	a.) 413 sq. ft. b.) 2,175 sq. ft. or 0.0499 acres	
<b>Zoning</b>	RMM-25	
<b>Existing Land Use</b>	Right-of-way	
<b>Future Land Use Designation</b>	Residential Medium-High	
<b>Other Required Approvals</b>	City Commission	
<b>Applicable ULDR Sections</b>	Sec. 47-24.6, Vacation of rights-of-way	
<b>Notification Requirements</b>	Sign posting 15 days prior to meeting; Mail notice to property owners within 300 feet 10 days prior to meeting per Sec. 47-27.6.	
<b>Action Required</b>	<ul style="list-style-type: none"><li>• Recommend approval of the vacation; or</li><li>• Deny the application</li></ul>	
<b>Project Planner</b>  <b>Authorized By</b>  <b>Approved By</b>	<b>Name and Title</b>	<b>Initials</b>
	Michael B. Ciesielski, Planner II	
	Jim Koeth, Principal Planner	
	Bruce Chatterton, AICP, Planning and Zoning Manager	

**Request:**

The applicant is requesting these vacations to maximize the development of the property. A townhouse development will be proposed for this site. Should the proposed development be five (5) or more units, site plan review by the Development Review Committee will be required.

The City's Property and Right-of-Way Committee reviewed these vacation requests on November 20, 2003 and recommended approval. (minutes are attached as **Exhibit 1.**)

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The Development Review Committee reviewed these vacation requests on May 11, 2004. All comments have been addressed.

The applicant's vacation requests meet the vacation criteria as listed in Sec. 47-24.6. A.4.a. through d. as the excessive rights-of-way are no longer needed for public purposes and that the granting of these vacation requests will not effect pedestrian or vehicular traffic. In reviewing these requests, the City's Engineering Dept. has maintained that the right-of-way widths (30' half right-of-way/ 60' total right-of-way along NE 15<sup>th</sup> Avenue and a 25' half right-of-way /50' total tight-of-way along NE 8<sup>th</sup> Street) are sufficient to meet City requirements. The applicant has provided a narrative (**see Exhibit 2**) relative to how the request meets the vacation criteria.

Pursuant to Sec. 47-22.A.6. e., the applicant was required to obtain letters from the City 's Water Works 2011 Division , Florida Power and Light ("FP&L"), Bell South, Comcast, and Teco Gas to insure that these agencies had no objection to either vacation.

In its response to the applicant, the Project Manager for Water Works 2011 stated that, since the water main within the subject right-of-way area has not been planned for relocation or replacement by the City, it would be the property owner's responsibility to relocate any utilities that need relocation and to create easements to cover them from the rights-of-way vacations.

Correspondence from FP&L, Bell South, Comcast, and Teco Gas indicated that they had no objection to the vacation provided the applicant would accept responsibility for the costs associated with the relocation of any utilities. Additionally, should new utility easements be required in order to accommodate any relocation request, the applicant would have to obtain and record these new easements at the applicant's expense.

#### **Planning & Zoning Board Review Options:**

1. If the Planning and Zoning Board determines that the proposed vacation meets the criteria for vacation and recommends approval of the vacation, the recommendation shall be forwarded to the City Commission.
2. If the Planning and Zoning Board determines that the criteria has not been met, the board shall deny the application and the procedures for appeal to the City Commission as provided in Sec. 47-26B, Appeals, shall apply.

#### **Staff Determination:**

Staff has determined that the proposed vacation meets the criteria for a right-of-way vacation as listed in Sec. 47-24.6.A.4.

Should the Board approve the proposed vacations, the following conditions are proposed by staff;

1. That the costs of relocation for any utilities (including but not limited to light poles, guy wires, and anchors, water mains, telephone, television and cable television, gas and electricity) located within the subject rights-of-way shall be borne by the applicant, and
2. That the applicant will be required to obtain and record, at his own expense, any utility easements that are made necessary by the relocation of any utilities, and

3. That a landscape easement be retained for that portion of the subject right-of-way that was improved by the Victoria Park Civic Association through the Broward Beautiful grant. This easement shall run along the east side of NE 15<sup>th</sup> Avenue south from the intersection a distance of twenty-five (25') feet, and along the south side of NE 8<sup>th</sup> Street east from the intersection a distance of fifteen (15') feet. The depth of the easement from the new property lines shall be at least four (4'). This easement agreement shall state that the property owner, developer and subsequent owners of the property at 1500-1504 agree to maintain this subject area, and continue to maintain the plants that exist there, i.e. Spider Lily or Day Lily, and, if necessary, replace these plants with plants of the same or higher quality as determined by the City's Chief Landscape Plans Examiner. The landscape easement area shall be approved by the City Surveyor prior to these vacations proceeding to City Commission.

PZ20-P-03/07-21-04/MBC

Attachments